



WISCONSIN STATE SENATOR

DAVE HANSEN

SENATOR – 30TH DISTRICT

ASSISTANT MAJORITY LEADER

Testimony on SB 11 (paid leave of absence on Veterans Day to employees
who are veterans)

Senate Committee on Labor, Elections and Urban Affairs
201 Southeast

Tuesday August 18, 2009

Chairman Coggs and members

Thank you for the opportunity to speak in favor of Senate Bill 11
today.

Senate Bill 11 will provide a paid leave of absence on Veterans Day
to employees in the state who are veterans.

Veterans Day began as “Armistice Day” to commemorate the signing
of the armistice on November 11, 1918. Germany surrendered to Allied
Forces on the 11th hour of the 11th day of the 11th month in 1918 bringing
an end to World War I, “the war to end all wars.” President Roosevelt made
November 11th an official federal Holiday in 1938 and President Gerald Ford
returned the official day of observance to November 11th in 1975.

Committees

Joint Committee on Finance, Senate Vice Chair
Education
Transportation, Tourism, Forestry and Natural Resources
Special Committee on State-Tribal Relations
Senate Organization
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State Capitol

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While Memorial Day was established to honor soldiers who gave their lives in defense of our country, Veterans Day is a day to honor all who served honorably in our nation's military.

Although the federal government and banks offer the day off to their employees, it's ironic that those who served honorably in our military and for who this day was established do not get the day off if they are employed in state or local government or the private sector. This is their day and they should be able to take the day off, with pay, without fear of reprisal from their employer. In researching this bill, my office discovered that Wisconsin is the only state that does not observe Veterans' Day as an official paid holiday for state employees.

Senate Bill 11 will require all employers in the state, whether public or private, to provide a paid leave of absence on Veterans Day or the following Monday if Veterans Day falls on a weekend to all veterans working in Wisconsin. It's the least we can do to honor those who have risked so much for the freedoms we hold dear.

Thank you.



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To: Senate Committee on Labor, Elections and Urban Affairs
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities
Date: August 18, 2009
Re: Opposition to SB 11

The League of Wisconsin Municipalities opposes SB 11, requiring all employers in the state, including local governments, to provide a paid holiday on Veterans Day to employees who are veterans. While we acknowledge the good intentions of this bill and agree society needs to do a better job of honoring our veterans, Wisconsin municipalities cannot afford this mandate.

This is especially true at this time when municipalities are strapped with levy limits, cuts in shared revenues, lower property values, and increases in health care and other costs they cannot control. This is perhaps the toughest financial state of affairs that municipalities have faced in many years. If passed into law this bill would only add to the difficulties municipalities currently confront in trying to provide quality services with less revenue.

As the DOA's Fiscal Estimate on this bill explains, estimated local costs to provide eight hours of leave to veterans, which make up about 10% of the local government workforce, would be approximately \$3,307,920 per year for all local units of government in the state. In some instances, municipal employers would also incur overtime or other additional costs to provide back-up staff (e.g. police officers or fire fighters to fill in for the regular workers while on leave)

Because of the costs municipalities would incur, we urge you to vote against recommending passage of SB 11. Thanks for considering our comments.

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WMC

WISCONSIN'S BUSINESS VOICE SINCE 1911

TO: Members of the Senate Labor, Elections and Urban Affairs Committee

FROM: John Metcalf, Director, Human Resources Policy

DATE: August 18, 2009

RE: Opposition to Senate Bill 11

Background

Under current law, November 11 (Veterans Day) is a legal holiday. This bill requires that every public and private employer in this state grant to each employee who is a veteran a paid leave of absence for the entire workday on Veterans Day, or on the following Monday if Veterans Day falls on a Saturday or Sunday and the employee is not scheduled to work on that day. Under the bill, for employees who are included in a collective bargaining unit, the paid leave of absence is granted only if so provided in a collective bargaining agreement.

2009-2010 Session Legislation

The bill prohibits an employer from discharging or discriminating against an employee in promotion, in compensation, or in the terms, conditions, or privileges of employment for taking a paid leave of absence on Veterans Day; opposing a discharge or discrimination in violation of the bill; filing a complaint or attempting to enforce a right under the bill; or testifying or assisting in any action or proceeding to enforce a right under the bill. An employee who is discharged or discriminated against in violation of the bill may file a complaint with the Department of Workforce Development (DWD), and DWD must process the complaint in the same manner that employment discrimination complaints are processed under current law. That processing may include the ordering of back pay, reinstatement, compensation in lieu of reinstatement, and costs and attorney fees.

WMC Position - Oppose

WMC opposes Senate Bill 11 for the following reasons:

- In the contemporary workplace the trend in employee benefits is to provide "banks" of discretionary leave for purposes of the employee's choosing to meet their needs. This approach allows employers and employees to work out leave and employment schedules to accommodate their respective needs. Senate Bill 11 "trumps" this process by requiring employers to provide leave on a specific date to specific employees—a mandate that cannot always be accommodated. Note that Wisconsin State Government took this contemporary approach to this issue recently, by creating an additional day of discretionary leave for all state workers, but without designating that the leave be taken on Veterans Day.
- The bill creates a new administrative burden on Wisconsin employers in that most employers do not currently collect information on the past military status of their employees. Further, while the bill references the discharge status of the employee, the mechanism for certification of a worker's discharge status is not addressed.
- The bill creates a broad remedial structure under which employers may be sued once an employee requests leave under this provision. In addition to a penalty for denying leave, the bill also creates employment protections—the ability to file a complaint—if an employee believes that any of the terms and conditions of their employment have been affected by taking or requesting to take leave.
- Neither Wisconsin nor federal law requires leave—paid or unpaid—for any holiday, official or otherwise. State and federal law recognizes an extensive list of legal state holidays when government business is not transacted. However, the fact that segments of government do not function on those days does not mean other segments of the private sector can be closed. Service industries must function every day of the week and year.